

**COMMONWEALTH OF KENTUCKY**

**RECEIVED**

**BEFORE THE PUBLIC SERVICE COMMISSION JUL 07 2003**

PUBLIC SERVICE  
COMMISSION

**AN INVESTIGATION OF EAST KENTUCKY  
POWER COOPERATIVE, INC.'S NEED  
FOR THE GILBERT UNIT AND THE  
KENTUCKY PIONEER ENERGY, LLC  
PURCHASE POWER AGREEMENT** )  
)  
) **CASE NO. 2003-00030**  
)  
)

**THE APPLICATION OF EAST KENTUCKY  
POWER COOPERATIVE, INC. FOR  
APPROVAL TO PURCHASE POWER  
AGREEMENT** )  
) **CASE NO. 2000-00079**  
)  
)

**PETITION FOR CONFIDENTIAL  
TREATMENT OF INFORMATION**

Comes East Kentucky Power Cooperative, Inc., hereinafter referred to as  
"EKPC", and petitions the Public Service Commission, hereinafter referred to as the  
"Commission", pursuant to 807 KAR 5:001 Section 7 and KRS §61.878 and related  
statutes, for confidential treatment of certain designated information contained in the  
Prepared Testimony of David G. Eames filed in this case. As grounds for this Petition,  
EKPC states as follows:

1. 807 KAR 5:001 Section 7 authorizes confidential treatment of information  
submitted to the Commission based on grounds provided in KRS §61.870 et seq. EKPC  
asserts that the information identified in the abovementioned Prepared Testimony are  
records generally recognized as proprietary and confidential which, if made public,  
would permit an unfair commercial advantage to competitors of EKPC, as more fully  
explained hereinbelow. As such, this information should be granted confidential  
treatment pursuant to 801 KAR 5:001 Section 7 and KRS §61.878 (1)(c)(1).

2. The information designated as confidential in the Prepared Testimony of David G. Eames, and Exhibits I and III thereto, relates to the price of electric power and energy to be sold by KPE to EKPC under the terms of the Power Purchase Agreement. EKPC has explained in PSC Case No. 2000-00079 that it intends to market a portion of the KPE power and energy during the initial years of operation to maximize the benefits of the Agreement to EKPC system needs. If competitors of EKPC in the bulk power market obtain this pricing information, they will know EKPC's cost of this power and could use this information to underbid EKPC in its attempts to market the surplus power. Knowledge of such information would also give potential purchasers of this power an unfair advantage in any negotiations on the price for the resale of the surplus power. EKPC competitors would thereby gain an unfair advantage which would have the detrimental effect on EKPC and its member systems of diminishing the potential revenues from the resale of this surplus power.

3. EKPC requested confidential treatment for the pricing information in the KPE Power Purchase Agreement on February 21, 2000 in PSC Case No. 2000-00079, and the Commission granted such protection to that information on March 6, 2000. The grounds for the protection requested in this case are the same as those asserted in EKPC's earlier Petition for Confidential Treatment of Information in Case No. 2000-00079, and EKPC continues to need confidentiality protection for this pricing information.

4. EKPC also believes that all of the identified confidential information is protected from public disclosure pursuant to KRS §61.878 (1)(c)(2)(c) as confidential and proprietary records disclosed to the Commission in conjunction with its regulation of

commercial enterprise, apart from any unfair commercial advantage public disclosure would provide to EKPC competitors.

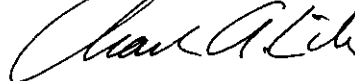
5. All of the identified confidential information is treated as confidential and proprietary by EKPC. This information is not known outside EKPC, except for parties to this case or consultants using or producing the information on a confidential basis, and it is distributed within EKPC only to those with a need to know or use it for EKPC business purposes.

6. A set of the pages from the Prepared Testimony of David G. Eames and attached exhibits, with confidential information highlighted or otherwise indicated, is attached hereto. Ten copies of that testimony, with confidential information redacted, are also enclosed.

WHEREFORE, Applicant respectfully requests the Commission to grant confidential treatment to the identified information and deny public disclosure of the information pursuant to 807 KAR 5:001 Section 7.

Respectfully submitted,

DALE W. HENLEY



CHARLES A. LILE

ATTORNEYS FOR EAST KENTUCKY  
POWER COOPERATIVE, INC.  
P. O. BOX 707  
WINCHESTER, KY 40392-0707  
(606) 744-4812

CERTIFICATE OF SERVICE

This is to certify that an original and ten copies of the foregoing Petition for Confidential Treatment of Information in the above-referenced case were delivered to Thomas Dorman, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; and copies were mailed to Parties of Record in this case, on July 7, 2003.



---

CHARLES A. LILE

{079kpe-pet-confid}